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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,235	05/27/2005	Per Hansson	024445-533	3612

21839 7590 09/22/2005

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EXAMINER
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FRIDIE JR, WILLMON

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/518,235	<b>Applicant(s)</b> HANSSON ET AL.	
	<b>Examiner</b> Willmon Fridle	<b>Art Unit</b> 3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 May 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 20 is/are rejected.
- 7) ☒ Claim(s) 18 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/16/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10,12, 13,16,17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Pano ('545).

Pano discloses all of the subject matter set forth in the claims and is identical to the invention as broadly claimed. Some of the claimed elements disclosed by the reference are: A tool head (1) adapted to receive a cutting insert (27) for chip removal machining, comprising a basic holder including an insert holder formed by a lower support part (8) and an upper clamping portion (7) which define there between an insert receiving pocket (6), a slot (14) extending through the basic holder at a location spaced from the pocket, wherein the clamping portion is joined to a remaining portion of the basic holder by a hinge portion (13) about which the clamping portion is elastically displaceable toward the lower support part, a recess (15) extending through the basic holder substantially parallel to the slot and in communication therewith, a nut roll (21) positioned within the recess, and a clamping screw (25) extending through the slot and into threaded engagement with the nut roll, wherein the clamping screw includes a substantially conical head arranged to enter the slot and engage the upper clamping

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portion to expand the slot and elastically displace the clamping portion about the hinge portion and toward the support part.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pano (' 545).

In regard to claim 14, Pano ('545) discloses the claimed invention except for the claimed thickness dimensions. It would have been an obvious matter of design choice to use the claimed thickness dimensions such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

In regard to claim 11, Pano ('545) discloses the claimed invention except for the claimed screw angle. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the claimed screw angle since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pano ('545) in view of Pano ('164).

Pano ('545) discloses a tool head (1) adapted to receive a cutting insert (27) for chip removal machining, comprising a basic holder including an insert holder formed by a lower support part (8) and an upper clamping portion (7) which define there between an insert receiving pocket (6), a slot (14) extending through the basic holder at a location spaced from the pocket, wherein the clamping portion is joined to a remaining portion of the basic holder by a hinge portion (13) about which the clamping portion is elastically displaceable toward the lower support part, a recess (15) extending through the basic holder substantially parallel to the slot and in communication therewith, a nut roll (21) positioned within the recess, and a clamping screw (25) extending through the slot and into threaded engagement with the nut roll, wherein the clamping screw includes a substantially conical head arranged to enter the slot and engage the upper clamping portion to expand the slot and elastically displace the clamping portion about the hinge portion and toward the support part and substantially all of the subject matter set forth in the claims except for an extension having a shorter height than the insert receiving pocket. Pano ('164) discloses and teaches that it is well known in the art to use an

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extension (18) having a shorter height than the insert receiving pocket in a basic holder including an insert holder formed by a lower support part (17) and an upper clamping portion (16) which define there between an insert receiving pocket (15). It would have been obvious to a skilled artisan at the time of the invention was made to provide Pano ('545) with an extension having a shorter height than the insert receiving pocket in the manner as taught by Pano ('164) in order to increase the clamping range of the upper clamping portion.

### ***Allowable Subject Matter***

Claims 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willmon Fridie whose telephone number is 571 272 4476. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571 272 4502. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**WILLMON FRIDIE, JR.  
PRIMARY EXAMINER**